



Paper No. 4

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In re Application of  
Hans J. Hansen  
Application No. 09/688,089  
Filed: October 16, 2000  
Attorney Docket No. 18733/1002

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**ON PETITION**

This is a decision on the petition under 37 CFR 1.53(e), filed December 15, 2000, requesting, in effect, that page 27 be entered into the application and accorded the filing date of the instant application, i.e., October 16, 2000.

The application was deposited on October 16, 2000. However, on December 5, 2000, applicant was notified that page 27 of the specification was missing.

In response, on December 15, 2000, the present petition was filed. Petitioner asserts that page 27 was in fact submitted with the application on October 16, 2000. In support of this assertion, petitioner has submitted a copy of a stamped return post card which acknowledges receipt by the PTO on October 16, 2000, of, inter alia, "Specification, claims and abstract 44 pages."

The application file currently contains 43 pages, which includes the specification, claims, and abstract. Page 27 is currently missing from the specification. However, if missing page 27 were included, this would constitute 44 pages, including specification, claims and abstract.

MPEP 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." In view the acknowledged receipt of the 44 pages of the specification, claims and abstract (which would include page 27), the omitted page 27 will be accepted as having been present on filing. Accordingly, the Notice mailed December 5, 2000 is vacated.

The \$130 fee charged to petitioner's deposit account for the instant petition is unnecessary and will be credited to petitioner's Deposit Account No. 19-0741 in due course.

The application is being forwarded to the Initial Patent Examination Division for further processing with an indication that page 27 was present on filing.

Any questions concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.



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for Patent Examination Policy